

Lewis County Planning Commission

Public Meeting

Lewis County Courthouse
Commissioners' Hearing Room – 2nd Floor
351 NW North St – Chehalis, WA

February 11, 2014 Meeting Notes

Planning Commissioners Present: Russ Prior, Bob Guenther, Mike Mahoney, Arny Davis, Richard Tausch, Clint Brown

Staff Present: Lee Napier, Stan May, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from January 28, 2014
- Staff Report on Comprehensive Plan Amendment
- Map for Proposed Amendment

1. Call to Order

Chairman Mahoney called the meeting to order at 6:00. The Commissioners introduced themselves. (Commissioner Davis arrived at 6:28).

2. Approval of Agenda

There were no changes to the agenda.

3. Approval of Meeting Notes – January 28, 2014

Commissioner Prior stated that on page 2 of the meeting notes, he believed he said the “rear” setbacks in the High Valley covenant were 15 feet. He asked to have “rear” added. The meeting notes were approved with that correction.

4. Old Business

A. Third Workshop on Setbacks

Mr. May stated a couple of items were added to the staff report. An interest was expressed in adding rear setbacks to the table, and that was done. He also did a quick review of rear setbacks in other counties and mostly they were 10' to 25' but there were a few at 5' and even 30'. The 15' that the Planning Commission is suggesting for a rear setback is not out of line. He stated on the distance table, page 2, he highlighted the 15' as he was directed to change. The last addition is at the bottom of page 2 that states an administrative reduction will be processed in accordance with LCC17.160.050(3). This is something the county already does.

Commissioner Brown stated there is the footnote (1) under the table that applies to structures over 200 square feet. He asked if that is for the rear property boundary, not the side or the front; that the side and the front are still going to apply to all buildings 200 feet or less. Mr. May stated that was correct.

Commissioner Prior stated if someone is building a woodshed does he have to meet those setbacks for the front and the side? Mr. May stated the front is generally dictated by road setbacks and that's why there is a minimum of 25'.

Commissioner Prior referred to 17.60.050 and stated in the second line of section 3 it states "together with appropriate documentation of compliance..." He asked where "appropriate documentation" is defined. Mr. May stated it would be on the form and in the setback code itself. You need to be able to show that the justification for the request is included in the application and the reduction would not adversely affect health and safety, etc.

Commissioner Prior stated section B speaks to an administrative approval, which he understood is a staff level approval. Mr. May stated that was correct. Commissioner Prior stated part of section B is about the Hearing Examiner. He asked why that is in there.

Mr. May stated it does not automatically mean there is a hearing but if there is someone who has a vested interest in challenging the setback, it would be published and give people a chance to comment and request a hearing.

Commissioner Prior thought this information was misplaced. Mr. May stated this section is complex and it is part of what will be cleaned up during the code scrub.

Chairman Mahoney stated the setbacks according to this proposal pertain only to permitted structures; anything 200' and under are exempt from requiring a permit and are therefore exempt from the setback requirements.

Mr. May stated that may be an oversight. When this was created it was taken from the existing code.

Chairman Mahoney stated this only pertains to structures, not roadways, ag activities, etc. Mr. May stated that is correct. Chairman Mahoney stated if we are going to hold a public hearing then the question of accessory structures up to 200 square feet should be clearly exempted.

Mr. May stated the information on page 4 is an excerpt from the residential code. Chairman Mahoney asked if those accessory structures are exempt from the setback requirements or not?

Mr. May stated the same requirements were brought forward which were exemptions originally for 100 square foot buildings and it was for the rear only. That is how this is written: for the rear only. Mr. May is not sure he would recommend putting in an exempted structure within that setback in the front because of road setback standards.

Chairman Mahoney asked what happens to the big dog house that is up against the front fence so it can be seen from the front window. We either exempt accessory buildings or we don't. That needs to be clarified before the public during the hearing.

Mr. May asked Ms. Napier to comment.

Ms. Napier stated exempt structures are not issued building permits. Her past practice has been to not regulate them. If the Planning Commission does not think it is appropriate to regulate exempt structures with regard to setbacks and would like to see the code revised, she believed that made sense. This is a remnant from a code written many years ago where 100 square feet was the minimum and staff has tried to update that.

Commissioner Prior stated in that case the footnote should be removed. Ms. Napier stated she is okay with that because people will ask what can be built without a permit. They are told they can build an accessory building up to 200 square feet. That is the end of the conversation. There are no questions about setbacks.

Chairman Mahoney wants this to be clear before the public hearing. Commissioner Brown thought the best way to clarify it was to do what Commissioner Prior suggested: eliminate the footnote. The footnote muddies the water; without the footnote there is not an issue.

Commissioner Prior stated that was true but he wasn't sure that we have the expertise to say that someone with a 20 x 10 woodshed that is 8' tall can put it anywhere in his yard. That's not appropriate. If this code allows that then we are opening a big can of worms.

Ms. Napier asked if Commissioner Prior was concerned about structures being located in the front yard.

Commissioner Prior stated if we remove the footnote then the exempted structure note takes precedence. Are we okay by allowing a 200 square foot structure anywhere?

Commissioner Brown thought Ms. Napier was saying that it already happens because the County doesn't know anything about it.

Ms. Napier stated if someone asked about setbacks they would be told, but we would have no reason to check them because there is no building permit required. Commissioner Prior stated if there is an issue with a neighbor and he has good reason to object to a doghouse right outside his bedroom window and the dog is barking all the time....this probably happens now. Ms. Napier stated the county does not have the ground to stand on now. Commissioner Prior stated by removing the footnote we are not making it easier than it is now. Ms. Napier stated that was true. Whether the footnote is there or not will not alleviate the concern about a neighbor's barking dog.

Commissioner Prior suggested removing the footnote.

Chairman Mahoney asked Mr. May about the possibility of different rules for rural and non-rural areas. Has any thought been given to different setbacks for LAMIRDS, etc.? Mr. May stated that page 4 shows a line through the sentence about setbacks for zones. That was the consensus at the last meeting – we did not want to make it more complex so everyone will have the same rules. The administrative reduction might alleviate a situation in High Valley where they are short in the back.

Ms. Napier stated this gets closer to High Valley setbacks. The 15' allows for the administrative variance. Commissioner Prior stated the High Valley setbacks are 15' in the rear, 5' on the sides and 55' in the front from the center line of the road.

Commissioner Prior stated he read the administrative approval several times and it is still not clear what the process is. Going back to Mr. May's comment, is there any way at making an attempt to clean this up, too? Mr. May stated this affects home occupation and a temporary second dwelling so it would be late in the game to change this in one evening. We can make an attempt to clean it up, but that is part of the code scrub.

Commissioner Brown encouraged Mr. May to consider making this clearer in the near future. Mr. May stated he would put that on the calendar.

B. Set Public Hearing for Setbacks for March 11, 2014

Chairman Mahoney stated the public hearing would be on March 11 with at least one workshop for any final discussion on information provided at the hearing. A motion was made by Commissioner Guenther; seconded by Commissioner Brown. The motion carried.

Commissioner Brown noted that several people sent in comments about the proposal. He asked if they would be notified of the public hearing. Ms. Napier stated many people have signed up for Mail Chimp and she has also created her own distribution list and will notify them of the public hearing.

5. New Business

A. Comprehensive Plan and Zoning Amendment

Mr. May stated there will be no text changes to the Comprehensive Plan this year. Tonight will introduce a zoning amendment from Agricultural Resource Land (ARL) to Mineral Resource Land (MRL). There is currently an active mine on the property and the owners would like to extend their mining permit with DNR and rezone the parcels. Mr. May is waiting on an opt-in application which requires a geo-tech report as justification for opting in to MRL.

The map is a zoning map with the red outline showing the property. Aerial views will be available at the next meeting.

Chairman Mahoney asked if the ARL zoning restricts mining. Mr. May stated it does not. Chairman Mahoney asked why they want to change to MRL. Mr. May stated a rezone is required by DNR.

Commissioner Prior stated they will be mining under water, which is not illegal, but that is where DNR comes in.

Mr. May stated there has not been a lot of material for the Planning Commission meetings and it has been difficult to justify meeting for a half hour or so. He asked the Commission's opinion on cancelling the meeting scheduled for February 25 and including the comp plan amendment with the public hearing meeting on March 11. There are some large projects coming up (the Shoreline Master Program and the code scrub) and Mr. May hopes to have a work plan by the next meeting.

There was no objection. The February 25 meeting was canceled.

Commissioner Prior asked how neighbors are notified of the change in zoning. Mr. May stated the applicant is responsible for providing mailing envelopes and stamps for everyone within 300 feet of the property.

6. Calendar – The next meeting will be a public hearing on March 11 on setbacks. A workshop on the comp plan will also be held.

7. Good of the Order

Chairman Mahoney stated public notification has been an issue for several years and he wanted to do anything possible to include people, whether that's having a public hearing in the East County, etc., as well as not having Commissioners Prior and Brown drive into Chehalis for a short meeting. Bunching up materials for a monthly meeting is an option.

8. Adjourn

There was no other business before the Commission and the meeting adjourned at 6:38 p.m.